

ENTERED

March 26, 2019

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

| | | |
|-------------------------|---|----------------------------|
| PATRICK HENRY MURPHY, | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | CIVIL ACTION NO. H-19-1106 |
| | § | |
| TDCJ EXECUTIVE DIRECTOR | § | |
| BRYAN COLLIER, et al., | § | |
| | § | |
| Defendants. | § | |

**ORDER GRANTING MOTION
TO PROCEED IN FORMA PAUPERIS**

The plaintiff, Patrick Henry Murphy (TDCJ #999461), is presently incarcerated in the Texas Department of Criminal Justice - Correctional Institutions Division ("TDCJ") as the result of a conviction for capital murder and death sentence entered against him in Dallas County. Murphy has filed a Complaint Filed Pursuant to 42 U.S.C. § 1983 ("Complaint") (Docket Entry No. 1), challenging a prison policy under the First Amendment and the Religious Land Use and Institutionalized Persons Act ("RLUIPA"). He has also filed a Motion for Leave to Proceed In Forma Pauperis on Complaint Filed Pursuant to 42 U.S.C. § 1983 (Docket Entry No. 2).

Because the plaintiff is a prisoner challenging the conditions of his confinement, this civil action is governed by the Prison Litigation Reform Act (the "PLRA"), 28 U.S.C. § 1915(b), which

requires prisoners to pay an initial partial filing fee. The PLRA also requires prisoners to pay thereafter the full balance of the filing fee. To comply with the PLRA, every prisoner seeking leave to proceed in forma pauperis in a civil action or appeal must provide a certified copy of his inmate trust fund account or institutional equivalent. See 28 U.S.C. § 1915(a)(2).

Although the plaintiff has not provided a certified copy of his inmate trust fund account or any equivalent statement in compliance with § 1915(a)(2), the court **ORDERS** as follows:

1. The plaintiff's Motion for Leave to Proceed In Forma Pauperis (Docket Entry No. 2) is **GRANTED**.

2. The plaintiff is not assessed an initial partial filing fee at this time because the court lacks the requisite documentation.

3. The plaintiff shall pay the full balance of the filing fee (\$350.00) in periodic installments as required by 28 U.S.C. § 1915(b). The agency having custody of the plaintiff shall collect this amount from the plaintiff's inmate trust fund account, when funds are available, and forward these funds to the Clerk until the entire fee for this civil action is paid.

4. The plaintiff is responsible for signing all consents and other documents required by the agency having custody of plaintiff to authorize the necessary withdrawal from the plaintiff's inmate trust account.

The Clerk of Court will send a copy of this Order to the plaintiff. The Clerk will also send a copy of this Order to (1) the TDCJ - Office of the General Counsel, Capitol Station, P.O. Box 13084, Austin, Texas, 78711, Fax: 512-936-2159; and (2) the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, Fax: 936-437-4793.

SIGNED at Houston, Texas, on this 26th day of MARCH, 2019.

A handwritten signature in black ink, appearing to read 'S. Lake', is written over a horizontal line.

SIM LAKE
UNITED STATES DISTRICT JUDGE